



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

March 2, 2021

APPLICATION GRANTED
SO ORDERED *Vernon S. Broderick*
VERNON S. BRODERICK
U.S.D.J. 3/3/2021

The conference scheduled for March 4,
2021 is adjourned.

VIA ECF

Hon. Vernon S. Broderick
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Schmidt v. United States Postal Service*, No. 20 Civ. 3003 (VSB)

Dear Judge Broderick:

This Office represents the United States of America¹ in the above-referenced action brought pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671 *et seq.* (the “FTCA”). I write on behalf of both parties to respectfully request an adjournment of the telephonic conference presently scheduled for March 4, 2021, at 2:00 p.m. (ECF No. 12) to a date on or after May 3, 2021 for the reasons discussed below. This is the parties’ first request for an adjournment of a conference in this case.

The parties respectfully request the adjournment because this Office has not yet been served as required by Federal Rule of Civil Procedure 4(i). *See also* ECF No. 10 (“Plaintiff has not filed anything to indicate that he has appropriately served the United States”). However, given the COVID-19 pandemic and in good faith, this Office has agreed to accept e-mail service of the complaint and summons on March 2, 2021. As a result, the response to the complaint is due May 3, 2021. *See* Fed. R. Civ. P. 12(a)(2).

The parties respectfully submit that, in light of the above and in the interests of judicial efficiency and conservation of resources, there is no need to hold the conference scheduled for March 4, 2021 at 2:00 p.m., and the parties therefore request that the hearing be adjourned to a date on or after May 3, 2021. The parties are prepared to appear for the hearing, however, should Your Honor wish to hold it.

We thank the Court for its consideration of this letter.

¹ The United States of America is the only proper defendant in a lawsuit arising under the FTCA, 28 U.S.C. §§ 2679(b), (d). The parties will file a stipulation and proposed order to substitute the United States of America in place of defendant United States Postal Service.

Respectfully submitted,

AUDREY STRAUSS
United States Attorney
Southern District of New York

By: s/ Joshua E. Kahane
JOSHUA E. KAHANE
Assistant United States Attorney
Telephone: (212) 637-2699
Facsimile: (212) 637-2786
E-mail: joshua.kahane@usdoj.gov

cc: Steve Vaccaro, Esq. (via ECF)